
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Paulino Bernal Evangelism

Licensee of KVFM(FM) in Beeville, TX
Facility ID #89853

McAllen, Texas

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File No. EB-04-DL-234

NOV No. V20053250005

NOTICE OF VIOLATION

Released: November 29, 2004

By the District Director, Dallas Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Paulino Bernal Evangelism, licensee of station KVFM(FM) in Beeville, Texas.

2. On October 19, 2004, the Commission's Dallas Office issued an official Letter of Inquiry to Paulino Bernal / Paulino Bernal Evangelism concerning issues noted during an investigation of Station KVFM by the Commission's Dallas Office. This Letter of Inquiry was sent via Certified Mail, Return Receipt Requested and required a written response to FCC's Dallas Office by November 9, 2004. On October 29, 2004, the return receipt was received by this office verifying delivery of the Letter of Inquiry. As of the date of this notice, no reply has been received by this office. By failing to respond to the Letter of Inquiry, Paulino Bernal is in violation of the following:

- a) 47 C.F.R. § 73.1015: "The Commission or its representatives may, in writing, require from any applicant, permittee, or licensee written statements of fact relevant to a determination whether an application should be granted or denied, or to a determination whether a license should be revoked, or to any other matter within the jurisdiction of the Commission, or, in the case of a proceeding to amend the FM or Television Table of Allotments, require from any person filing an expression of interest, written statements of fact relevant to that allotment proceeding. Any such statements of fact are subject to the provisions of § 1.17 of this chapter. Paulino Bernal Evangelism failed to provide a written response to the Letter of Inquiry as required pursuant to this section.
- b) 47 U.S.C. § 308(b): "The Commission, at any time after the filing of such original application and during the term of any such licenses, may require from an applicant or licensee further written statements of fact to enable it to determine whether such original application should be granted or denied or such license revoked. Such application and/or

¹ 47 C.F.R. § 1.89

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such statement of fact shall be signed by the applicant and/or licensee in any manner or form, including by electronic means, as the Commission may prescribe by regulation. Paulino Bernal Evangelism failed to provide a written response to the Letter of Inquiry as required pursuant to this section.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Paulino Bernal Evangelism must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each of the above listed violations and must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence. The response must be complete in itself and signed by Paulino Bernal as the holder of 100% interest in the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Dallas Office
9330 LBJ Freeway, #1170
Dallas, Texas 75243

4. Failure to respond to this Notice constitutes a separate violation that could result in additional penalties, including monetary forfeiture.

5. Furthermore, Paulino Bernal Evangelism must immediately provide a complete response to the Letter of Inquiry released October 19, 2004.

6. Failure to submit a complete response to the Letter of Inquiry dated October 19, 2004, or to any and all additional correspondence subsequently required by the FCC, will constitute repeated violation of 47 C.F.R. §73.1015 and 47 U.S.C. §308(b) that could result in additional penalties, including monetary forfeiture.

7. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure your compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

² 47 U.S.C. 308(b)

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3)

⁴ 18 U.S.C. § 1001 *et seq*

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8. This Notice shall be sent via Certified Mail, Return Receipt Requested to Mr. Paulino Bernal, Paulino Bernal Evangelism, c/o Radio Station KVFM(FM), P.O. Box 252, McAllen, TX 78505.

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
District Director
Dallas Office

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